

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 23RD DAY OF DECEMBER 2015/2ND POUSHA, 1937

Cr1.MC.No. 7999 of 2015

IN M.C 78/2014 OF THE JUDICIAL FIRST CLASS MAGISTRATE
COURT -II, HARIPAD
CRIME NO. 954/2014 OF KAREELAKULANGARA POLICE STATION,
ALAPPUZHA

PETITIONERS/ACCUSED 1 TO 3:

1. RAJESH, AGED 33 YEARS,
S/O.THANKAPPAN, THUNDATHIL VEEDU, ENNAYKADU VILLAGE
BUDHANOOR, CHENGANOOR TALUK.
2. JANAMMA,
W/O.THANKAPPAN, THUNDATHIL VEEDU, ENNAYKADU VILLAGE
BUDHANOOR, CHENGANOOR TALUK.
3. THANKAPPAN,
THUNDATHIL VEEDU, ENNAYKADU VILLAGE, BUDHANOOR,
CHENGANOOR TALUK.

BY ADVS.SRI.P.SREEKUMAR

SRI.P.A.MOHAMMED SHAH
SRI.SOORAJ T.ELENJICKAL
SMT.UMA
SRI.K.NANDAKUMAR
SMT.MARY RESHMA GEORGE
SMT.P.M.MAZNA MANSOOR

RESPONDENTS/COMPLAINANTS:

1. HEMA, AGED 25 YEARS,
W/O.RAJESH, KOCHUNAMBALATH THEKATHIL,
AVOOR VADAKUMMURI, CHEPPAD VILLAGE,
KARHTIKAPALLI TALUK. PIN-690 507.
2. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

R1 BY ADV. SRI.B.S.SIVAJI

R2 BY PUBLIC PROSECUTOR SMT.SHEEBA M.T

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 23-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

Cr1.MC.No. 7999 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE A1- THE CERTIFIED COPY OF THE F.I.R. IN CRIME
NO.954/2014 OF KAREELAKULANGARA POLICE STATION.

ANNEXURE A2- THE CERTIFIED COPY OF THE FINAL REPORT IN CRIME
NO.954/2014 OF KAREELAKULANGARA POLICE STATION.

ANNEXURE A3- THE CERTIFIED COPY OF THE ORDER DATED 13.08.15 IN
M.C.78/2014.

ANNEXURE A4- COPY OF THE AFFIDAVIT SWORN BY THE 1ST
RESPONDENT.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.7999 of 2015

Dated this the 23rd day of December, 2015

O R D E R

The petitioners herein are the three accused in C.C No.458/2015 of the Judicial First Class Magistrate Court I, Haripad. They seek orders quashing the prosecution on the ground of amicable settlement of the whole dispute between them and the de facto complainant. Crime in this case was registered under Sections 406, 323, 324 and 498(A) of the Indian Penal Code on the complaint of one Hema who is the first respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. She has filed affidavit to the effect that she has settled the whole dispute with the accused, and she has no grievance or complaint now.

2. In so many decisions, the Hon'ble Supreme Court has held that even in cases involving non-compoundable offences, the High Court can quash the prosecution in pending proceedings, if the parties have really settled the whole dispute amicably out of court, and continuance of the prosecution will not serve any purpose in such a circumstance of amicable

settlement. Here, I find a real and genuine case of settlement between the parties. This is not a case involving any public interest or public issue. The parties have come to terms amicably on the intervention of persons acceptable to both sides. In such a situation, continuance of the prosecution will not serve any purpose other than wasting the precious time of the court. No doubt, nobody will support the prosecution in such a situation, if the case goes to trial. The victim's affidavit shows that the whole matrimonial dispute stands resolved forever, and that she has joined her husband in matrimony. In such a situation, it is appropriate that the prosecution be quashed.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C No.458/2015 of the Judicial First Class Magistrate Court I, Haripad will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioners will stand released from prosecution, and the bail bond, if any, executed by them will stand discharged.

**Sd/-
P.UBAID
JUDGE**

//True Copy//

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P.A to Judge